

DOCKET NO.: CBLL-0276
Application No.: 10/684,774
Office Action Dated: November 15, 2005

PATENT

REMARKS

Claims 1 to 6 and 8 to 20 are pending in the application. No claims have been amended, canceled, or added, herein. Pursuant to 35 U.S.C. § 121, the Office Action requires Applicants to restrict the claimed subject matter to one of two groups of inventions, characterized as Groups I and II. The claims of each group, and the subject matter associated with each group, are set forth below.

Group	Claims	Subject Matter
I	1 to 6	Compositions for modulating an immune response in a subject comprising a mutein of interleukin-1
II	8 to 20	Methods of modulating the immune response of a subject to a vaccine antigen comprising administering an effective amount of an interleukin-1 mutein

Applicants respectfully traverse the restriction requirement because a search and examination of the subject matter recited in all of the pending claims can be conducted without a serious burden.

The purpose of § 121 is to avoid the necessity of conducting separate and diverse searches of claims directed to independent (unrelated) subject matter. Separate and diverse searches would not be required for the present application, however, because the relationship among the claimed subject matter is such that a search of the subject matter encompassed by the claims of either Group I or Group II would necessarily lead to disclosures, to the extent that any exist, of the subject matter encompassed by the claims of the remaining group. For example, a search of compositions comprising a mutein of interleukin-1 - characterized as Group I - would necessarily lead to specific disclosures, to the extent that any exist, of methods of administering interleukin-1 muteins - characterized as Group II. Accordingly, a

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search and examination of the subject matter encompassed by the entirety of Groups I and II would not impose a serious burden on the Examiner, and Applicants respectfully request withdrawal of the restriction requirement. M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.") (emphasis added).

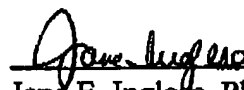
In accordance with 37 CFR § 1.143, applicants hereby provisionally elect the subject matter of Group II for prosecution on the merits, encompassing claims 8 to 20.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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Jane E. Inglese, Ph.D.
Registration No. 48,444

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439